

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**ANTHONY TRUPIA,**

**Plaintiff,**

**v.**

**HERITAGE HARD ASSETS LLC;  
et al.,**

**Defendants.**

**NO. CIV-24-498-SLP**

---

**DEFENDANT HLV VENTURES LLC'S  
MOTION TO STRIKE PLAINTIFF'S UNTIMELY  
"OPPOSITION TO ALL MOTIONS TO DISMISS" (DOC. 61)  
AND BRIEF IN SUPPORT**

---

**HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.**

Mark Banner, OBA # 13243

Aaron C. Tifft, OBA # 33288

**HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.**

521 E. 2<sup>nd</sup> Street, Suite 1200

Telephone (918) 594-0400

Facsimile (918) 594-0505

*mbanner@hallestill.com*

*atiftt@hallestill.com*

**ATTORNEYS FOR DEFENDANT,  
HLV VENTURES, LLC**

Defendant, HLV Ventures, LLC (“HLV”), respectfully moves the Court to strike as untimely Plaintiff’s “Opposition to All Motions to Dismiss” (Doc. 61) as applied to Defendant HLV Ventures, LLC’s Motion to Dismiss (Doc. 20) (hereinafter “Motion”). In support of its Motion, HLV states as follows:

1. On May 22, 2024, HLV filed its Motion to Dismiss Plaintiff’s Complaint (Doc. 20).

2. On May 28, 2024, Plaintiff attempted to file a response to the Motion to Dismiss, but improperly joined it with Motions to Remand and for Expedited Discovery. [See Doc. 29.]

3. HLV timely replied in support of its Motion to Dismiss, and separately responded in opposition to the Motion to Remand and the Motion for Expedited Discovery, respectively. [See Docs. 33, 35, & 36.]

4. On June 14, 2024, the Court issued an Order striking Plaintiff’s joint pleading for violating Local Civil Rule 7.1(c). [Doc. 39.] Doing so, the Court sua sponte granted Plaintiff a fourteen-day extension to file a response to HLV’s Motion to Dismiss, until June 28, 2024, and set HLV’s reply deadline as July 5, 2024.

5. Plaintiff filed no response to HLV’s Motion to Dismiss on or before the deadline required by this Court—June 28, 2024.

6. On July 1, 2024, Plaintiff filed a pleading styled as “Opposition to All Motions to Dismiss” (the “Response”). [Doc. 61.] In the pleading, Plaintiff purports to argue collectively against “all motions to dismiss this complaint.” [*Id.* at 1.]

7. Once a deadline has passed, Fed. R. Civ. P 6(b)(1)(B) requires a party file a Motion showing the failure to timely act was the result of excusable neglect. The filing of the Response, as applied to HLV, was and remains a nullity. Plaintiff did not file a response to HLV's Motion to Dismiss by the date required by the Court. Having failed to do so, Plaintiff further failed to follow the requirements of Rule 6(b)(1)(B).

Wherefore, HLV respectfully requests this Court strike as untimely Plaintiff's "Opposition to All Motions to Dismiss" (Doc. 61) as applied to Defendant HLV Ventures, LLC's Motion to Dismiss (Doc. 20).

Dated: July 1, 2024

Respectfully submitted,

**HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.**

*s/Aaron C. Tift*

Mark Banner, OBA # 13243

Aaron C. Tift, OBA # 33288

**HALL, ESTILL, HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.**

521 E. 2<sup>nd</sup> Street, Suite 1200

Telephone (918) 594-0400

Facsimile (918) 594-0505

*mbanner@hallestill.com*

*atift@hallestill.com*

**ATTORNEYS FOR DEFENDANT,  
HLV VENTURES, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 1, 2024, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants on the ECF System.

I hereby further certify that on July 1, 2024, a true and correct copy of the foregoing document was served on the following via electronic mail and first class, U.S. Mail:

Anthony Trupia  
605 SE 21<sup>st</sup> St.  
Oklahoma City, OK 73129  
*trupiaar@gmail.com*

**PRO SE PLAINTIFF**

*s/ Aaron C. Tifft*

---

20348724.2:014234.00001